

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO.: S5 11 Cr. 62 (PAC)

DONNA LEVY, et al.,

Defendants.

DEFENDANT DONNA LEVY'S NOTICE OF MOTION FOR SEVERANCE

PLEASE TAKE NOTICE THAT, pursuant to Fed. R. Crim. P. 14, and for the reasons stated in the attached memorandum of law, defendant Donna Levy will move this Court before the Honorable Paul A. Crotty, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, NY, at a date and time convenient to the Court, for an order severing her trial from the trial of her co-defendant David Levy on the basis that she needs David Levy's exculpatory testimony, and David Levy will not commit to testifying at a joint trial. *See United States v. Finkelstein*, 526 F.2d 517, 523 (2d Cir. 1976). In support of this motion, Donna Levy submits the attached unsigned Declaration of David C. Levy.

Respectfully Submitted,

s/ Scott A. Srebnick

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was electronically filed by
CM/ECF this 25th day of February, 2013.

s/ Howard M. Srebnick

Howard M. Srebnick